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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,811	01/30/2004	Shang-Chih Chen	BHT-3237-7	3136

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TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

EXAMINER

CRANSON JR, JAMES W

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,811

Applicant(s)

CHEN, SHANG-CHIH

Examiner

James W. Cranson

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN

2,049,251 to Deutsch.

Deutsch discloses a lamp structure having a lampshade that includes a mass of metallic string, a base and an illuminator.

Regarding claims 1 and 7

A lamp structure, (figure 1) comprising

a lampshade having an opening (figure 1)

a mass of metallic string (14, page 2, column 1, lines 5-10)

formed in the lampshade

a base (10), connected with opening of lampshade (figure 1)

an illuminator (12, page 1, column 2, lines 47-53) connected

to the base (figure 1) and being in lampshade (figure 1)

Regarding claim 2, Deutsch discloses in claims 1 and 4 that lampshade

is chosen with different colors.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 2,049,251 to Deitsch.

Regarding claims 3 and 4, both according to claim 1, wherein metallic strings are different colors and illuminators are different colors.

USPN 2,049,251 to Deitsch. does not teach that metallic strings are different colors and illuminators are different colors. It would be obvious to one of ordinary skill in the art at the time of invention to provide Deitsch with metallic strings of different colors and illuminators of different colors because it is well known in the illumination art to use various colors for decoration or a specific purpose such as vehicle lights, xmas lights or traffic lights. Therefore lacking any criticality, changing the color of prior art does not make the claimed invention patentable over that prior art.

Regarding claim 5, according to claim 1, wherein mass of string is made of entangled strings. Deitsch discloses the claimed invention except for string is made of entangled strings. It would be obvious to one of ordinary skill in the art at the time of invention to provide Deitsch with entangled strings because it has been held that rearranging parts of an invention involves only routine skill in the art and does not make the claimed invention patentable over that prior art (*In re Japikse*, 86 USPQ 70).

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Regarding claim 6, according to claim 1, further comprising a connecting device to connect opening with lampshade.

Deitsch discloses the claimed invention except for a connecting device to connect opening with lampshade.

It would be obvious to one of ordinary skill in the art at the time of invention to provide Deitsch a connecting device to connect opening with lampshade because it has been held to make prior art parts separable involves only routine skill in the art and does not make the claimed patentable over that prior art

(Nerwin v. Erlichman, 168 USPQ 177).

invention patentable over that prior art (In re Japikse, 86 USPQ 70).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is USPN 6,474,843 to Shieh.

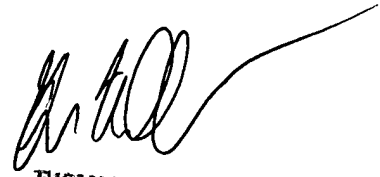
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Cranson whose telephone number is 571-272-2368. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).





THOMAS M. SEMBER
PRIMARY EXAMINER